

Written Testimony and Photos of Tenants from Mueller Flats Apartments

5/13/21



Anonymous Member of the Mueller Flats Tenants Association

Lived in property 7/2020 – 4/2021

I would like to take a moment to share testimony of my experience with Mueller Flats Management and Firmus Equity Partners during my residence at Mueller Flats Apartments at 1071 Clayton Ln Austin, TX 78723. I encountered several issues since the beginning of my lease in July 2020 that were so severe I was left with no other choice but to request a release from my lease. I, unlike others, was granted this release and have since vacated the apartment. Of note, I am a white, English speaking young woman. The responses I received were significantly different compared to non-white and Spanish speaking people who made similar requests.

The issues I encountered included:

- a. Inconsistent water/hot water
- b. Insufficient communication from management
- c. Questionable maintenance/contractor practices

Many of these were exacerbated after the February winter storm.

a. Since July 1, 2020 I have received approximately 34 documented emails announcing water shutoffs or identifying prolonged lack of water/hot water, 20 of these date back to before February 2021. In September 2020, the water was shut off for nearly 28 hours with the expectation of it not being turned back on for another 16 hours at minimum. I replied to the email stating that the situation is unacceptable and is creating unlivable conditions. Management did not respond to my email.

b. Due to power outages from the storm, I was without hot water starting on 2/14/21. The first email announcing the water outage did not come from management until 2/19/21. In addition, management vacated the on-site offices days before the winter storm in preparation for incoming inclement weather. Communication about the winter storm, offices reopening, management's response plan, etc. did not restart until 2/19/21 with the email identifying a lack of hot water and management acknowledging their awareness. Phone calls to the resident care office were often not answered nor directed to voicemail.

Ex: Shortly after the winter storm, mailboxes remained broken and I was unable to get through to the resident care office. After attempting nearly 10 times, I attempted to call the leasing office to get an answer on the process we should take to get our mail, at which point the woman working yelled at me, refused to identify herself, and attempted to bait me into a fight at the front office. She proceeded to yell at me and eventually hung up the phone on me when I attempted to ask for a suggestion on how to get an answer regarding the mail situation considering her refusal to help and the inability to contact the resident care office. The only times my questions/concerns were answered occurred when I included at least five people's email addresses at Firmus Management and/or Mueller Flats.

Ex: A representative of Firmus Management informed me that they will cease communication with me because I was asking questions about the release of lease offered to me while I was still a resident.

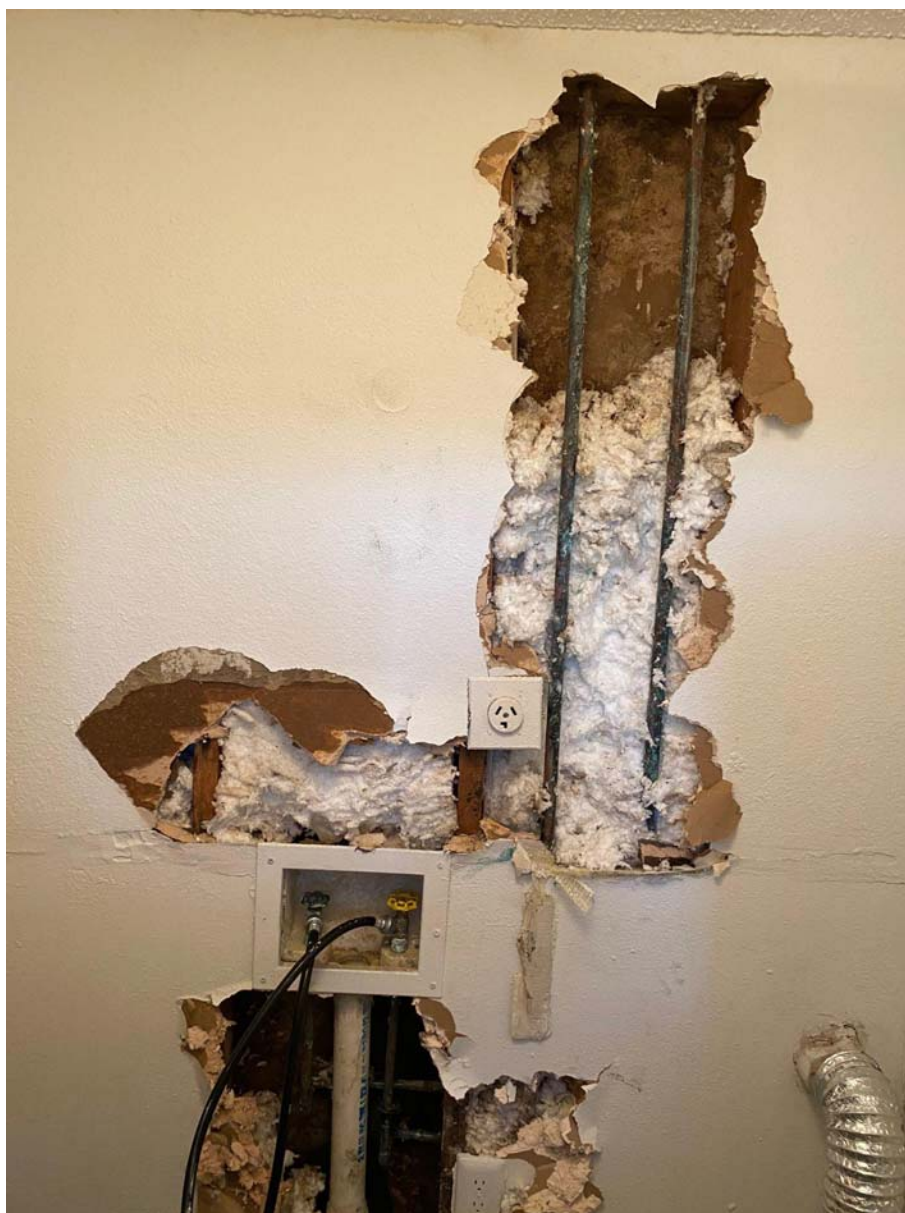
c. Following the winter storm, the dry wall was torn out of my laundry room, partially exposing pipes. My washer and dryer, which were my own property, were pulled out and inoperable for over a month due to this demo. I was uninformed that the contractor will be entering my unit on the day the demo began. The contractor left my front door unlocked on one occasion and my patio door (first floor unit) unlocked on another occasion. I have two dogs who could have escaped the apartment had they left other doors open or someone entered my unlocked unit. Upon returning from work and finding my front door unlocked with clear signs that someone had been inside (footprints, personal belongings out of place, etc.), I had to ask a neighbor if they saw anything suspicious as I was afraid to enter my own apartment. Following this, water was repeatedly shut off. Pipe “repairs” began with drywall demo, but the contractor nor management included a timeline for repairs. Aragon Builders delivered plans from JS Held for the demo and informed me at the time that they cannot make timely repairs to the pipes as they need to wait for permits from the city which may take up to 60 days. However, this was after the city of Austin had already changed their permit requirements to expedite post-storm repairs. After one failed attempt to schedule the demo (attributed by Mueller Flats to miscommunication within the contractor’s company) the demo occurred, leaving a wall to my exterior, non-climate controlled laundry room with only loosely attached (gaping holes) plastic and studs. The wind would blow under my laundry room door, hitting the plastic, and waking me up at night. The contractor did not return my washer and dryer to the room, leaving them exposed to the elements, nor did they re-lock my laundry room door. Upon inquiry, Mueller Flats deemed the plastic “wall” an acceptable solution, and were unable to identify how long my unit would remain in that condition.

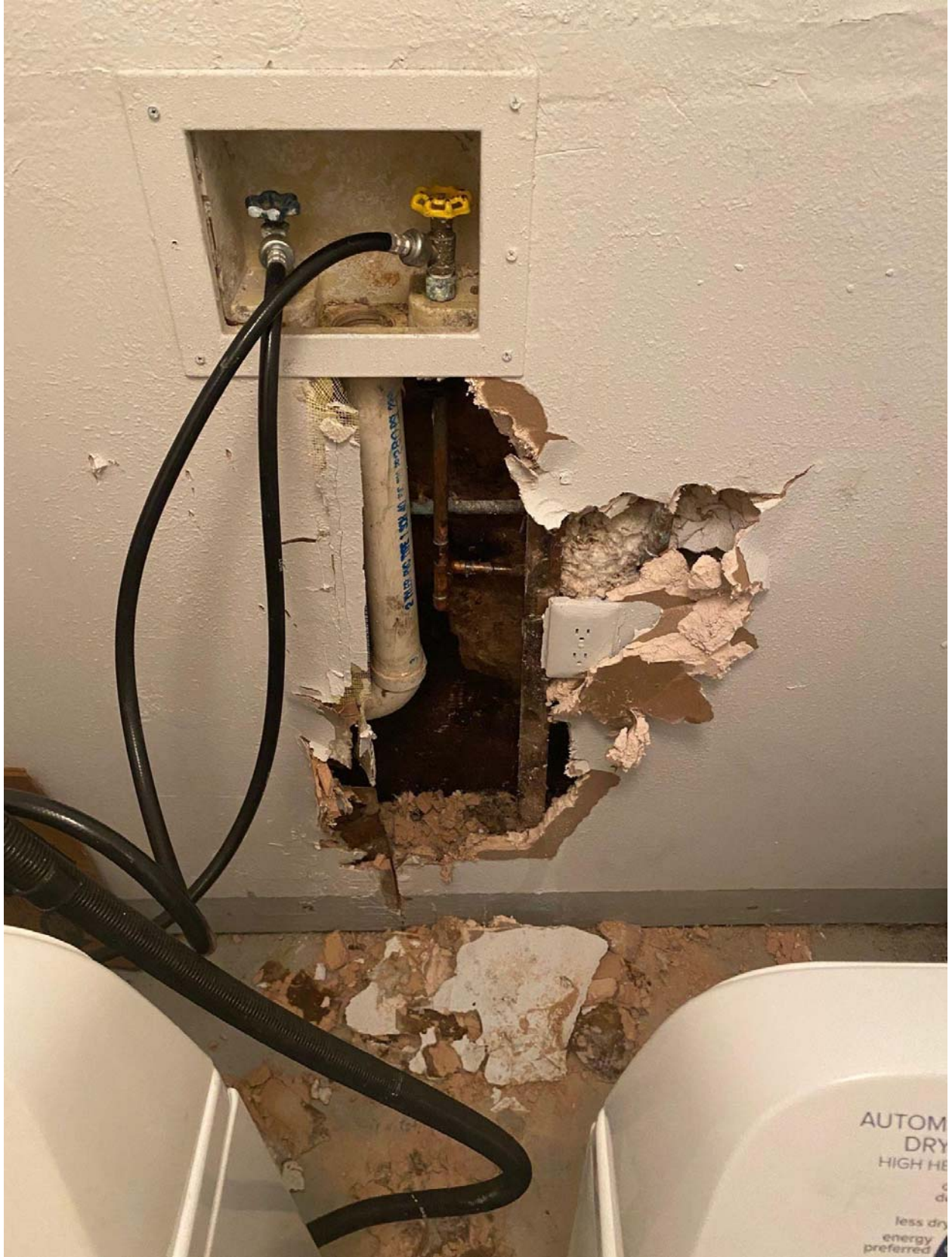
Living at Mueller Flats took a significant toll on my mental health. My humanity was compromised when I began having to arrive dirty to work due to a lack of water in my own home beginning in the fall of 2020 (the first prolonged water shutoff during my lease term). I experienced nightmares for months of cockroaches crawling on me, fear that someone would enter my unit from a door left unlocked by a or through the plastic “wall” that remained, and fear not knowing who had a key to my apartment considering the abundance of contractors of whom we were never given names. For about three months I was unable to relax in my own home, which caused me to have such a significant stress response that I consistently broke out in hives for several weeks. For about three weeks I was in constant fear that I would return home to gutted walls, ruined and/or stolen belongings, and harm to my dogs. I reached my breaking point as I squatted, degraded, in my bathtub bathing out of a soup pot with water I had boiled on my stove. I left Mueller Flats with dogs riddled with health issues and a feeling of loss as my whole life had just been turned upside down, my savings entirely depleted, and my dignity stripped away by management who I consistently paid on time for the space I occupied. All I asked of management was to provide basic amenities for living: shelter (with walls) and water.

No human being should be subject to these conditions. As mentioned above, these conditions began before the winter storm; they have only become more obvious and frequent since the

storm. There needs to be immediate consequences for these ongoing issues. Mueller Flats/Firmus Equity Properties should be fined to the maximum amount, and not granted extension, as this has gone on for longer than four months. They are clearly repeat offenders and should be labeled/treated as such to the extent the city is capable. People are being victimized, as they are reduced to solely a source of revenue by management, and therefore Muller Flats/Firmus Equity Properties should be stripped of their license to continue to lease units.

Thank you for taking the time to read my testimony. It is my sincere hope that you consider the testimonies of all Mueller Flats tenants in your decision, assess the situation fairly, and implement the strictest consequences in support of humanity for the sake of Mueller Flats tenants.





Testimony of Peter Wood

My name is Peter Wood and I'm a member of the MFTA. When my wife and I applied to rent with Mueller Flats in fall 2019, we were told that third floor apartments were more expensive than the second floor because they have fireplaces, and we were happy to hear that, because we didn't want to live on the third floor, but we wanted the cheapest apartment. When we received our keys, we found that our unit was on the third floor, and we were told "no, you said you wanted the cheapest, and the third floor is the cheapest." So we have spent over a year cursing the fact that we have to climb to the third floor daily. Until the winter storm, that was personally the worst communication problem we have had with management.

When we lost our electricity, we ended up evacuating our apartment for over a day because the unit lost so much heat that we woke up on the second day with temperatures below 42 degrees. When we returned, we did not have any water available until almost two full weeks after the storm. We spent two weeks showering in relatives' apartments and lugging a five-gallon jug of water up and down the stairs, sometimes several times a day, just to flush the toilet. My wife broke down crying a few times at the prospect of spending another day and another day and another day carrying water up the stairs and not being able to clean our clothes, dishes, or bodies, with no end in sight. During this time, management got our hopes up multiple times with emails claiming "we might be able to restore water today" and then delivering nothing.


When building 5 got the water back on, maintenance had to cut a hole in our laundry room wall in order to fix a leak first. The plumbers left the washer/dryer on our patio and trash drywall, insulation, and pipe cuttings on the floor.

It took another two weeks to get hot water back. I showered with cold water, but my wife was continuing to shower with relatives or heat water on the stove to mix with a trash can full of cold water. Despite my repeated requests, both through the resident portal and through a Request For Repair sent by certified mail, the washing machine was not reconnected until the third week of April, after I requested it during an person with the manager Sean to discuss the Notice to Vacate that we received supposedly for an unpaid charge. I sent my notes of the meeting by email to Firmus Management corporate and a few days later received an email that the Notices to Vacate that people received were sent by mistake, although I suspect that it was sent maliciously. All in all it was almost two months, from the time the building lost water until the reinstallation, that our washer/dryer unit was essentially an expensive patio ornament that we had to continue to pay monthly to rent for.

As of now, the cut drywall still has not been repaired, and the trash left by management's contractors has not been removed, making it almost impossible to squeeze our washer/dryer and utility shelf into the remaining floor space. I believe management has announced drywall demolition in every building except ours, and considering where I saw leaks coming through walls outside, I'm certain there are more units than ours in this building that need repairs.

For over a year we cursed having to live on the third floor, especially when we had to carry heavy jugs of water several times a day, but having been in communication with other members of MFTA and seeing the water damage and mold that other residents have had to deal with while being bullied by management, and being issued orders to vacate with no warning or compensation. They are being told to leave because their flooded, rotten apartments are, after three months, suddenly uninhabitable. My wife and I have come to realize that we are, in comparison, *incredibly lucky to live on the third floor*, where our biggest concerns have been a hole in the wall and bogus fees.

I urge the Building and Standards Commission to deny Firmus Management/Mueller Flats time additional to make repairs and I urge you to fine them at the maximum amount of \$1,000 per day per violation, starting today. They have had more than three months to fix the problems caused by the storm but the underlying problems that led to these conditions have been ignored for years. I urge you to place them on the repeat offender list as well as suspend their license to rent to new occupants. They've already taken enough of our money and time in return for abusive treatment and substandard services or failure to provide service. If they have empty units, they should use these to house our more severely affected neighbors in "uninhabitable" units instead of throwing them out on the street with only 7 days to find a new home.

 **FIRMUS**

NOTICE TO VACATE FOR NON-PAYMENT OF RENT, UTILITIES OR OTHER SUMS

Residents: Peter Wood and Jessica Gonzalez

Address: 1071 Clayton Ln. Apt 503, Austin, TX 78723

YOU ARE HEREBY NOTIFIED THAT AS OF THE 04/05/2021 YOUR ACCOUNT IS DELINQUENT IN THE AMOUNT OF \$ 104.08, IN PAYMENT OF RENT, FEES, AND/OR OTHER CHARGES FOR THE FOLLOWING DESCRIBED PREMISES:

1071 Clayton Ln. Apt 503, Austin, TX 78723

Demand for possession is hereby made. You are hereby given notice to vacate the dwelling on or before midnight the 3 DAYS AFTER 04/05/2021, which is at least 1 day from the delivery of this notice.

****All accounts continue to accrue late fees at the daily rate of \$10.00 per day until the account is paid in full. Rental charges will continue to be applied to this account on the periodic rental date as per the rental agreement. All payments received are posted to the oldest invoice first, regardless as to type of charge.****

In the event said rent is not paid within three (3) days from the receipt by you of this notice, and if you FAIL TO VACATE THE PREMISES WITH SAID TIME, then an action will be brought to evict you, and for JUDGEMENT FOR RENTS NOW DUE AND PAYABLE, plus additional court and administrative costs.

Firmus Representative Signature _____ Date: 4/5/21

Notice was given by the method checked below:

- ☐ Hand delivered to any one of the residents named above
- ☐ Hand delivered to any person 16 or older residing in the dwelling
- ☐ Posted on the inside of the dwelling's main entry (not the screen door)
- ☐ Sent by first class mail
- ☐ Sent by certified mail, return receipt requested; or
- ☐ Sent by registered mail

IT IS NOT OUR INTENT TO MAKE YOU VACATE THE PREMISES, BUT TO COLLECT THE OUTSTANDING RENT DUE. IF YOU WOULD LIKE TO DISCUSS THIS, PLEASE CONTACT OUR OFFICES IMMEDIATELY. IF NOT, WE WILL BEGIN THE EVICTION PROCESS WITH THE TOWNS COUNTY COURT.

IN THE EVENT CONTACT AND/OR AGREEABLE TERMS ARE NOT MET WITHIN THE THREE DAYS, AND THE EVICTION PROCESS IS STARTED, PLEASE BE ADVISED THAT YOUR ACCOUNT IS SUBJECT TO REINSTATEMENT COSTS OF THREE HUNDRED EIGHTY AND NO/100 DOLLARS (\$380.00) AND WILL BE ADDED TO THE OUTSTANDING AMOUNT DUE. NO PARTIAL PAYMENTS WILL BE ACCEPTED TO CANCEL EVICTION, MUST BE PAID IN FULL INCLUDING ALL OTHER CHARGES.



Testimony of Alyssa Geis

My name is Alyssa Geis, I'm a Caucasian 34-year-old female, who works full-time at a local hospital. I am a member of the Mueller Flats Tenants Association. I moved to Mueller Flats in early September of 2019, so I've been a resident for a little over 1.5 years.

I consider myself one of the "luckier" residents of this community. Since moving in, I have dealt with my mail being stolen out of my mailbox at least 5 times and management saying they wouldn't fix the issue because the mailboxes cost too much to replace; frequent visits from the local police to address a variety of crimes, including physical assault(s) and shooting(s); multiple plumbing issues prior to and following the winter storms; disrespectful conversations with property management victim blaming all residents for the crimes that some individuals committed; lack of concern for safety and refusal to repair broken gates and locks; resident care office employees using loud voices and angry speech patterns to deny resident requests for assistance; and manipulative attempts to get additional keys made for my unit, which highlights managements lack of attention to detail or concern for resident safety.

As I mentioned previously, I work full-time at a local hospital. In my career, I'm an advocate for patients and families and frequently use customer service skills in order to meet their physiological and socioemotional needs. I absorb their emotions and empathize with their traumas; I hold hands with parents while they withdraw life support on their children. When I leave work at the end of the day, I should come to a house where I feel comfort and solace. Mueller Flats has been the complete opposite of that – I have constant fear for my personal safety, concern for my well-being, and continually feel disrespected by Mueller Flats employees. Following the winter storm, I was without water for a minimum of 10 days. I don't blame Mueller Flats for the entirety; however, I do blame them for the 27 days I was without hot water. When I visited the Resident Care Office during this time, an employee told me her experience of using the restroom in a plastic bag was worse than my experience of being unable to drink water, wash my hands, clean my dishes, flush my toilet, do laundry, and shower in my own home. Following the winter storm, it took 60 days for the complex to "fix" my water damage issue – this resulted in the destruction of my utility closet with no insulation or drywall, and a 5.5-foot by 2-foot hole in the living room wall, separating the living room from the utility room which directly opens to the outdoors and with which the door does not have a lock. After submitting a fifth maintenance request to have drywall placed between the living room and utility room and the request still being ignored, I created my own version of a wall, made out of cardboard boxes. My rent and some utilities cost approximately \$1200 a month and I am living with a wall made out of cardboard boxes.

Management has refused to concede any charges. Yet other Austin apartment complexes have immediately decreased rent – CWS Apartments Homes, LLC immediately decreased rent by \$300 for the inconvenience of not having water for approximately 5 days following the winter storm. What would it look like if our complex followed their lead? What would it look like if they actually had 10+ people on site, working to fix the construction issues? I keep receiving emails and hearing the complex discuss the significant numbers of people on site, yet I intermittently only see one contractor's truck and 2, sometimes 3, people.

The unit next door to me has not had a resident living in it since before Christmas of 2020. Why was that unit's utility room and water damage fixed before my unit was even looked at by the contractors? Why are they so focused on getting new people into the complex before fixing the issues of the current tenants?

I am emotionally exhausted and physically tired. I feel like I no longer have the capacity to be at my best at work due to the stressors this complex places on me. Every email or phone communication is met with excuses and accusations. It's evident that Mueller Flats does not feel accountable to their residents; how is this morally and legally acceptable?

Mueller Flats Management and Firmus have repeatedly taken advantage of their tenants. While they may not be able to become respectful overnight, they can be held accountable for the disgusting and manipulative treatment they've had against multiple residents. They need to be fined the highest amounts for the many, many code violations. They've been sitting on these issues for four months; while the beginning of that time could be slightly excusable, this has gone on entirely too long. They should not be allowed to rent out other units until the currently occupied units are structurally repaired; please suspend their license to rent. I urge you to fine them at the highest rate possible, starting today

Please do not grant them additional time at the expense of tenants. I urge you not to grant their appeal for the Repeat Offender Program. They claim that these problems started after the winter freeze, but this is not true. They have a long history of failing to repair code violations and it is time for them to be held accountable. Thank you for your time.



Example Emails from Management

Hi Sean,

I would love to know the dates that you've attempted to enter my apartment and been unsuccessful. I'm unaware of these attempts or anything that would prevent your team from entering my unit. Can you please clarify these dates and times?

As discussed earlier this week and as you clearly stated in an email, there is a key that's available in the office for maintenance to enter my unit. There have been multiple maintenance teams in and out of my unit over the past week - I'm happy to share video footage and hard copies of the completed work orders if you need documentation.

I'm happy for the maintenance team to come at any time. What is the schedule availability?

Alyssa

On Thursday, May 6, 2021, 12:13:56 PM CDT, Sean Shannon | Firmus Management Regional Manager <sshannon@firmusmgmt.com> wrote:

Good afternoon Ms. Geis,

We have made multiple attempts to enter your apartment home to make repairs due to the winter storm, however we have not been able to enter.

When can we schedule a time for our teams to come in to make the repairs?

Thank you,



Alyssa Geis

to Sean, Beth, me ▾

Mon, May 3, 10:43 AM (8 days ago)



Good morning,

I received a couple concerning calls from the resident care office regarding the keys to my apartment. It sounds like the maintenance access key has been lost - that's concerning because maintenance was in my unit on Thursday, April 29 starting at 2:57pm to fix the paint chipping in my bathroom. Please see the following notes from the two calls I received.

I was contacted at 10:01am on Monday, May 3 by maintenance, requesting me to let them into my apartment today to fix the leak because they don't have a key to my unit. Informed maintenance that the apartment maintenance team was in my unit last week and they let themselves in, so they should have a key. I also inquired timing on the hot water being back - maintenance was not aware that the hot water was out.

I was contacted at 10:18am on Monday, May 3 from female in resident care office, requesting I come by the office to have a copy of my key made, stating the complex is making sure all of the tenant's keys are up to date. I informed her that bigger issue is that the complex had a key and now it seems to be "lost" so we need to make sure I have an appropriately locked unit. She said the maintenance team member who was there on Friday was off today, so she should check with him and see if she could get into his box to get the key for the unit. She said that if that wouldn't work, I would need to be home sometime today to let maintenance in to fix the leak. I told her I would be home at 3pm and I would need to call the resident care office to dispatch maintenance to get to my apartment.

I'm concerned about my safety, who has possession of the extra key, and why I'm seemingly being "tricked" into the complex getting another copy of my key. I don't feel comfortable making another copy at this time; if the previous key was lost and is not being tracked properly, what prevents a new key from being lost and not tracked? Please provide guidance to your team on how to resolve the missing key issue. If it's unable to be found, it would be safest for you to re-key my locks due to the complex error. Please update me as soon as possible.

Thank you for your guidance and your efforts in keeping your tenant safe,

Alyssa Geis

[See Regular Mail](#)



Sean Shannon | Firmus Management Regional Manager <sshannon@firmusmgmt.com>

to Alyssa, Beth, me ▾

Mon, May 3, 11:16 AM (8 days ago)

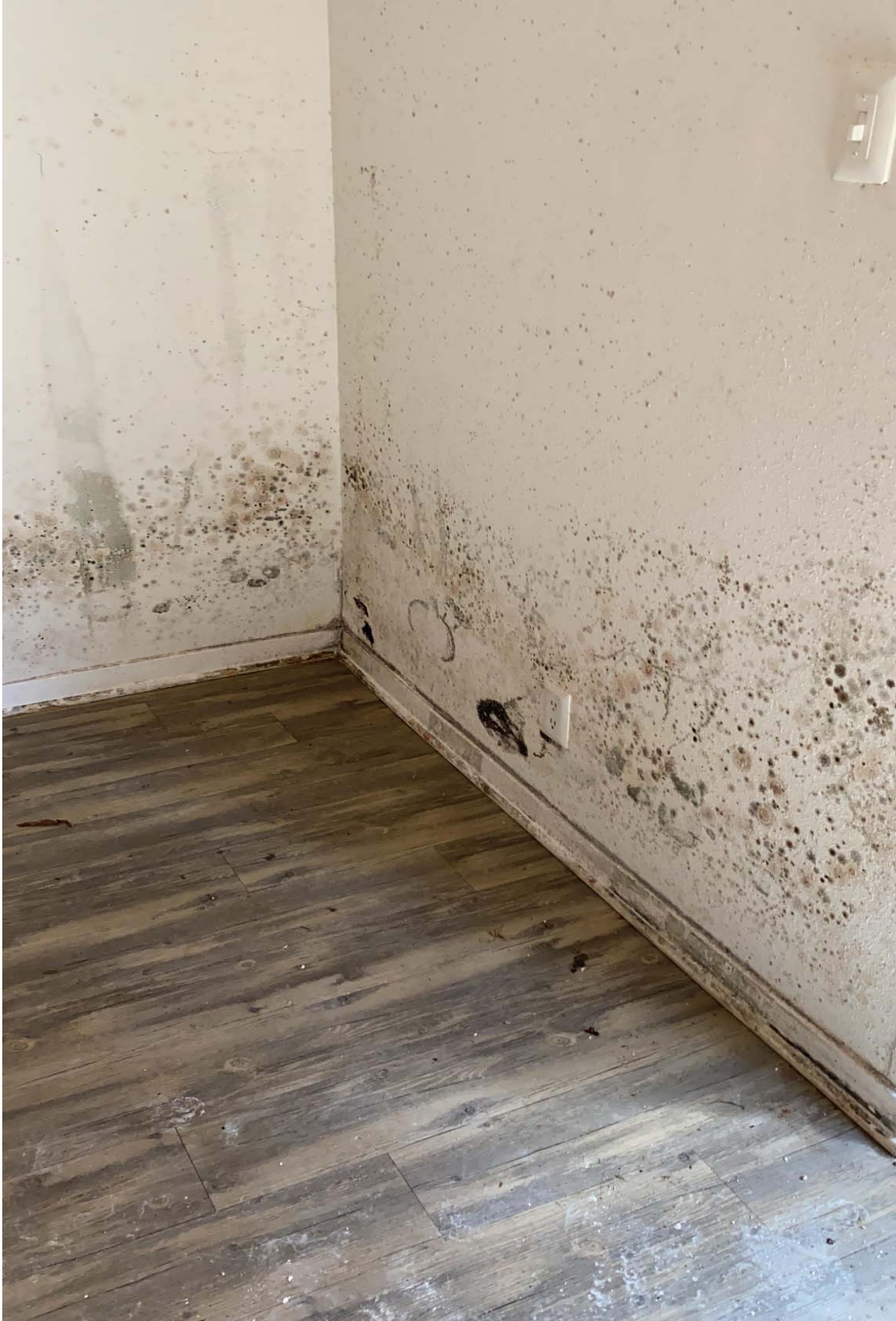


Good morning Ms. Geis,

Photos of Apt 1401



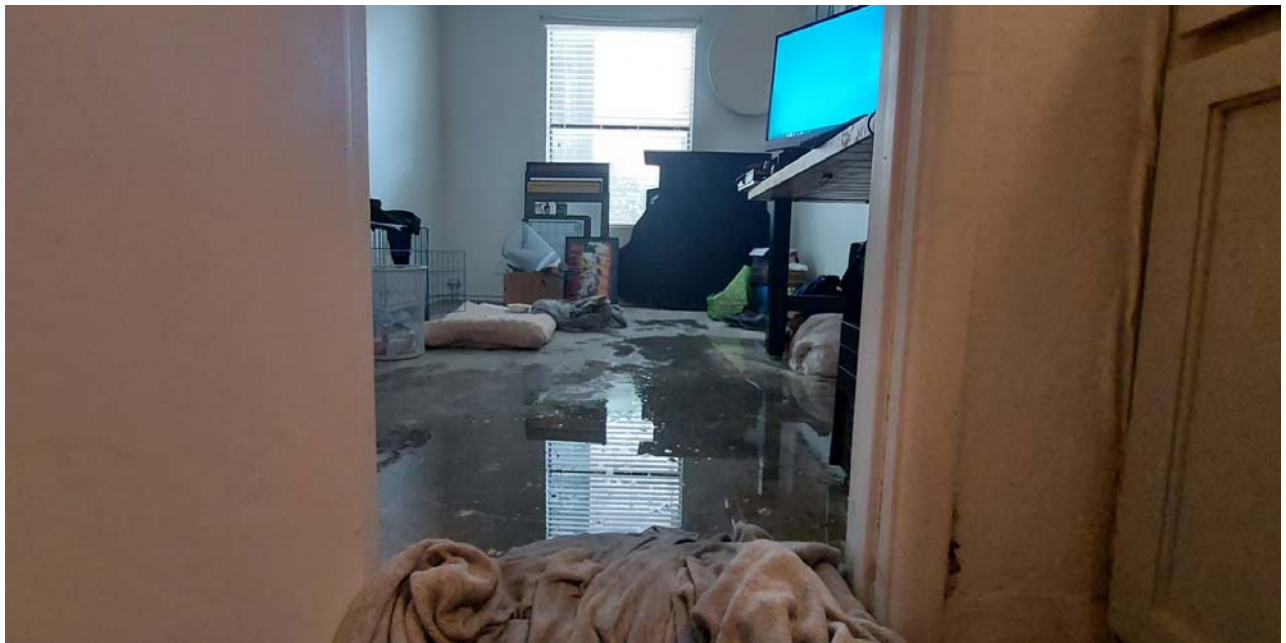




Photos of Apt 1007





Apt 1519



Mailboxes

